



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RD
RD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/974,621 11/19/97 NISHI

T 07977/202001

020985 MM92/0418
FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO CA 92122

EXAMINER

NGUYEN, D

ART UNIT

PAPER NUMBER

2871

DATE MAILED:

04/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/974,621

Applicant(s)

Nishi

Examiner

Dung Nguyen

Art Unit

2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 1, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-17, and 19-26 is/are rejected.
- 7) ☒ Claim(s) 11 and 18 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Art Unit: 2871

Response to Amendment

Applicant's amendment dated 02/01/2001 has been received and entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: layers of a light reflective film have a porous surface and include concavities and convexities.

Claim Rejections - 35 USC § 103

3. Claims 1-8, 12-17 and 19-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US Patent No. 5,805,252 , in view of Yoshihiro, US Patent No. 5,550,658 , as stated in the final office action.

Regarding claims 1, 8 and 14, although those claims are now amended to claim each of the light reflective layers having the concavities and the convexities surface, such amendments

Art Unit: 2871

are not sufficient to overcome its rejection in the previous office action. It should also be noted that the term "the porous surface of the light reflective film" has not clearly defined in the specification as well as in the new submitted drawing, so that the broadest reasonable interpretation the term "the porous surface" is an unevenly surface which can be included a plurality of concavities and convexities. In other words, Shimada et al. ('252) do disclose a light reflective film having a porous surface and including concavities and convexities. In addition, it is confusing what Applicant's argument states that "[T]he uneven surface shown in Figures 1-3 and 5 is *not "the porous surface"*" (amendment, page 7). According to Applicant's argument, a light reflective film having the porous surface has not shown in the drawing ?. Lastly, Applicant argues that Yoshihiro fails to teach the reflector being formed on a pixel electrode (amendment, page 7). The Examiner respectfully disagrees with the applicant's viewpoint since the combination of the Shimada et al. ('252) and Yoshihiro ('658) takes a position to modify the Shimada et al. light reflective film having a reflective layer (38a) which formed on the pixel electrode (38) have one or more reflective layers over the reflective layer as shown by Yoshihiro to obtain a reflector having higher glossiness or diffusion reflectivity (Yoshihiro, page 3, ln. 52).

Regarding dependent claims 2-7, 12, 13, 15-17, 20-22 and 24-26, the rejection of those dependent claims stand since the rejection of claims 1, 8, 14 and 19-26 stand as discussed above.

Therefore, the limitation of claims 1-8, 12-17 and 19-26 are met.

Art Unit: 2871

Allowable Subject Matter

4. Claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's arguments filed 002/01/2001 have been fully considered but they are not persuasive.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2871

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7726.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
04/14/2001


William L. Sikes
Supervisory Patent Examiner
Group 2871